

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

(01) BRYAN C. PERRY

[DOB: 09/24/1985] and

(02) JONATHAN S. O'DELL

[DOB: 04/23/1990],

Defendants.

Defendants/Counts

(01) PERRY: Counts 1-41

(02) O'DELL: Counts 1-35, 42-44

No. 22-4065-CR-C-SRB

COUNT 1:

18 U.S.C. §§ 1117 & 1114

(Conspiracy to Murder a Federal Officer and Employee)

NMT Life Imprisonment

NMT \$250,000 Fine

NMT 5 Years Supervised Release

Class A Felony

COUNT 2:

18 U.S.C. §§ 371 & 111(a)(1)

(Conspiracy to Assault a Federal Officer and Employee)

NMT 5 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class D Felony

COUNT 3:

18 U.S.C. § 372

(Conspiracy to Injure Officer)

NMT 6 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class D Felony

COUNTS 4-10:

18 U.S.C. §§ 1114(a)(3), 1113 & 2

(Attempted Murder of a Federal Officer and Employee)

NMT 20 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class C Felony

COUNTS 11-17:

18 U.S.C. §§ 111(a)(1), (b) & 2

(Assault of a Federal Officer and Employee with a Deadly or Dangerous Weapon)

NMT 20 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class C Felony

COUNT 18:

18 U.S.C. §§ 111(a)(1), (b) & 2
(Assault of a Federal Officer and Employee
That Inflicts Bodily Injury)
NMT 20 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class C Felony

COUNTS 19-20:

18 U.S.C. §§ 111(a)(1) & 2
(Assault of a Federal Officer and Employee
That Involves Physical Contact)
NMT 8 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class D Felony

COUNTS 21-34:

18 U.S.C. §§ 924(c)(1)(A)(iii) & 2
(Use of Firearm in Furtherance of Crime of
Violence)
NLT 10 Years Imprisonment
NMT Life Imprisonment
Consecutive Sentence
NMT \$250,000 Fine
NMT 5 Years Supervised Release
Class A Felony

COUNT 35:

18 U.S.C. §§ 1361 & 2
(Depredation of Government Property)
NMT 10 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class C Felony

COUNTS 36-37:

18 U.S.C. §§ 922(g)(1) & 924(a)(8)
(Felon in Possession of a Firearm)

NMT 15 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class C Felony

COUNT 38:

26 U.S.C. § 5861(h)
(Possession of Firearm with Obliterated
Serial Number)
NMT 10 Years Imprisonment
NMT \$10,000 Fine
NMT 3 Years Supervised Release
Class C Felony

COUNT 39:

18 U.S.C. §§ 931(a)(1) & 924(a)(7)
(Possession of Body Armor by Violent
Felon)
NMT 3 Years Imprisonment
NMT \$250,000 Fine
NMT 1 Year Supervised Release
Class E Felony

COUNT 40:

18 U.S.C. §§ 842(i)(1) & 844(a)(1)
(Possession of Explosive)
NMT 10 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class C Felony

COUNTS 41 & 43:

18 U.S.C. § 875(c)
(Communicating a Threat to Injure)
NMT 5 Years Imprisonment
NMT \$250,000 Fine
NMT 3 Years Supervised Release
Class D Felony

COUNT 42:

18 U.S.C. §§ 922(g)(8) & 924(a)(8)
(Possession of a Firearm While Subject to
Court Order of Protection)
NMT 15 Years Imprisonment
NMT \$250,000 Fine

NMT 3 Years Supervised Release
Class C Felony

COUNT 44:

(False Statement)

18 U.S.C. § 1001(a)(2)

NMT 5 Years Imprisonment

NMT \$250,000 Fine

NMT 3 Years Supervised Release

Class D Felony

\$100 Special Assessment (Each Count)
Restitution

FORFEITURE ALLEGATION:

18 U.S.C. §§ 981(a)(1)(G), 924(d); 28

U.S.C. § 2461(c)

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Second Superseding Indictment:

1. **(01) BRYAN C. PERRY (PERRY)** was a resident of Clarksville, Tennessee.

2. **(02) JONATHAN S. O'DELL (O'DELL)** was a resident of Warsaw, Benton County, Missouri, within the Western District of Missouri.

3. The defendants were members of the "2nd American Militia."

ACTS RELATED TO CRIMINAL CONDUCT

4. Beginning on an unknown date, but at least as early as November 2021, and continuing through October 2022, **PERRY** and **O'DELL** communicated with each other about various grievances against the United States Government and obtained, and attempted to obtain, supplies to act on such grievances.

5. Throughout the spring, summer, and fall of 2022, **PERRY** and **O'DELL** recruited and attempted to recruit other individuals to join their militia group and for other more specific purposes.

6. On or about May 15, 2022, **PERRY** sent **O'DELL**, via text message, a picture of a map of Washington, D.C., and labeled various location points for a blockade of roads.

7. On or about May 20, 2022, **PERRY** texted **O'DELL** a picture of the logo/patch of their militia group.

8. On or about June 4 and June 5, 2022, **O'DELL** traveled from Missouri to Tennessee to meet with **PERRY**.

9. On or about June 15, 2022, **PERRY** texted **O'DELL** images of the United States Capitol, the United States Secret Service Headquarters, and other government buildings in the Washington, D.C. area, “[t]o stop the madness going on.”

10. On or about June 23, 2022, and July 12, 2022, **O'DELL** communicated with **PERRY** and another individual regarding obtaining ham radios for their militia group.

11. On or about July 12, 2022, **PERRY** obtained a Voodoo Innovations multi-caliber rifle with an Anderson Manufacturing, model AM-15, lower receiver, bearing serial number 21221464. **PERRY** texted a picture of the rifle to **O'DELL** along with a message that he was “good to go.”

12. On or about August 20, 2022, **PERRY** and **O'DELL** agreed to go “to war with border patrol.”

13. On or about September 5, 2022, **PERRY** traveled from Tennessee to Warsaw, Benton County, Missouri to reside with **O'DELL**. **PERRY** transported his Ruger, model Security

9, 9 mm caliber handgun, with an obliterated serial number; his Voodoo Innovations multi-caliber rifle with an Anderson Manufacturing, model AM-15, lower receiver, bearing serial number 21221464; and body armor from Tennessee to **O'DELL's** residence.

14. Between September 5, 2022, and October 7, 2022, said dates being approximate, **O'DELL** supplied **PERRY** with lodging in his residence.

15. Between September 5, 2022, and October 7, 2022, said dates being approximate, **O'DELL** helped **PERRY** find employment and, therefore, money.

16. On or about September 7 and 8, 2022, **O'DELL** conducted an internet search for a certain firearm, specifically a “sig 556.”

17. On or about September 12, 2022, **PERRY** posted a video on TikTok in which he discussed illegal immigrants coming into the United States from Mexico. **PERRY** further stated that the United States Border Patrol was committing treason by allowing these illegal immigrants to enter into the United States, and that the penalty for treason was death.

18. On or about September 13, 2022, **PERRY** posted a video on TikTok in which he stated that he was “ready to go to war against this government.”

19. On or about September 21, 2022, **PERRY** used TikTok to contact an individual in the state of Louisiana (Individual #1) to recruit Individual #1 to join **PERRY** and **O'DELL** in their plan to go to the United States – Mexico border in the state of Texas.

20. On or about September 22, 2022, **PERRY** posted a video on TikTok in which he stated, “we’re out to shoot to kill” and that “our group is gonna go protect this country.”

21. On or about September 23, 2022, **PERRY** contacted Individual #1 and provided details about **PERRY** and **O'DELL**'s plan to go to the United States – Mexico border, as a further part of his recruitment efforts.

22. On or about September 25, 2022, **O'DELL** posted a video on TikTok in which he expressed the need to secure the United States – Mexico border. In the video, **O'DELL** wore a vest adorned with a 2nd American Militia patch. In comments associated with the video, **O'DELL** further stated that they were leaving for Texas on October 4, 2022.

23. On or about September 25, 2022, **O'DELL** used TikTok to contact an individual in the state of Missouri (Individual #2) and inquired about how long Individual #2 could “come and train” as a part of **O'DELL**'s effort to recruit individuals to go to the United States – Mexico border.

24. On or about September 29, 2022, **PERRY** initiated a telephone call with Fidelity Life, a life insurance company.

25. On or about September 30, 2022, **PERRY** traveled to a firearms armory business in Warsaw, Missouri.

26. At or around the end of September 2022, **O'DELL** transported a firearm to a gunsmithing business in Warsaw, Missouri, for gunsmithing work.

27. On an unknown date in or around September 2022, **O'DELL** purchased ammunition from a store in Warsaw, Missouri.

28. On an unknown date between September 5, 2022, and October 7, 2022, **PERRY** traveled to two businesses to look at camping gear for their group's travel to the United States – Mexico border.

29. On or about October 2, 2022, **O'DELL** held a phone conversation with Individual #3, during which **O'DELL** asked Individual #3 if he/she could acquire ham radios and night vision goggles for use when **O'DELL** and **PERRY** went to the United States – Mexico border in the state of Texas. **O'DELL** further attempted to recruit Individual #3 to join their group and travel to the United States – Mexico border.

30. On or about October 2, 2022, **PERRY** posted a video on TikTok as a part of his further planning and recruitment efforts. This video contained a typed statement, in which **PERRY** stated, “patriots this Saturday 10/08/2022 we are going hunting! IYKYK!! leaving from warsaw, MO 1200 CT.... starting from country mart across from dollar general. hope to see you there and ready. IYKYK.” **PERRY** included music in the video that contained the lyric, “Let’s go to war.”

31. On or about October 3, 2022, **PERRY** posted a video on TikTok in which he stated, “we were going out huntin’,” that his group was taking their “full kits,” and that they were leaving for the United States – Mexico border on October 8, 2022.

32. On or about October 3, 2022, **PERRY** held a phone conversation with Individual #4, during which **PERRY** stated they were going to go down to the United States – Mexico border to “start a war.” **PERRY** expressed their plan to shoot people coming across the border and to shoot “federal agents” who would oppose them. **PERRY** also stated they would acquire gear and supplies from federal agents after they “take a couple of ’em out.”

33. On or about October 4, 2022, **O'DELL** held a phone conversation with Individual #3, stating their plan to recruit more people in Texas to help them at the United States – Mexico

border, and that they could acquire night vision goggles from murdered federal law enforcement officers.

34. On or about October 4, 2022, **PERRY**, while in the presence of **O'DELL**, held a phone conversation with Individual #4, during which **PERRY** explained the plan to go to Eagle Pass, Texas, to go to war and the plan to acquire night vision goggles and ammunition from murdered federal law enforcement officers.

35. On or about October 5, 2022, and on other unknown dates after September 5, 2022, **PERRY** and **O'DELL** practiced shooting at targets on land controlled by a family member of **O'DELL**.

36. On or about October 6, 2022, **O'DELL** held a phone conversation with Individual #3, during which **O'DELL** stated he planned to take his girlfriend to her family member's residence before they left for Texas and the United States – Mexico border.

37. On or about October 6, 2022, **O'DELL** conducted the following internet searches for supplies for their plan:

- a. "night vision goggles payment plan;"
- b. "m14 with optic;"
- c. "sand viper pistol;"
- d. "404 bolt gun;" and
- e. "6.5 xm5."

38. On or about October 6, 2022, **PERRY** held a phone conversation with Individual #4, during which **PERRY** stated they were leaving for Texas on October 8, 2022, and that he expected one or two people to attend their planned recruitment meeting in Warsaw.

39. By on or about October 7, 2022, **PERRY** and **O'DELL** had amassed, stored, and possessed at **O'DELL's** residence: approximately six firearms; approximately 23 magazines filled with ammunition; approximately 1,770 rounds of various other ammunition; two sets of body armor with corresponding plate carrier vests; one handheld radio; two sniper rests; two gas masks; two items appearing to be ballistic helmets; and multiple containers of a binary explosive mixture commonly sold as an exploding target.

40. On or about October 7, 2022, during the execution of a federal search warrant issued for **O'DELL's** residence in Warsaw, Missouri, **PERRY** used and discharged his Voodoo Innovations multi-caliber rifle with an Anderson Manufacturing, model AM-15, lower receiver, bearing serial number 21221464, to fire approximately 11 shots at Special Agents of the United States Federal Bureau of Investigation.

41. On or about October 7, 2022, at **O'DELL's** residence in Warsaw, Missouri, Special Agents of the Federal Bureau of Investigation attempted to arrest **PERRY**, who resisted arrest from three Special Agents and assaulted at least one Special Agent in his effort to resist arrest.

42. On or about October 7, 2022, at **O'DELL's** residence in Warsaw, Missouri, **O'DELL** made a false statement to at least one Special Agent of the Federal Bureau of Investigation regarding the presence of, and his possession of, a firearm, in an attempt to conceal said firearm.

COUNT 1

(Conspiracy to Murder a Federal Officer and Employee)
18 U.S.C. §§ 1117 and 1114

43. The allegations contained in Paragraphs 1 through 42 of this Second Superseding Indictment are hereby re-alleged and incorporated by reference as if fully set forth therein.

44. Beginning on an unknown date, but at least as early as August 20, 2022, and continuing up to and including October 7, 2022, in Benton County, in the Western District of Missouri, and elsewhere, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, knowingly and intentionally combined, conspired, confederated, and agreed together and with each other, and others known and unknown to the grand jury, to kill and attempt to kill officers and employees of the United States and of any agency in any branch of the United States Government while such officers and employees were engaged in and on account of the performance of their official duties, in violation of Title 18, United States Code, Section 1114.

45. It was a part of the conspiracy that **PERRY** and **O'DELL**, and others known and unknown to the grand jury, would travel to the United States – Mexico border in the state of Texas and use firearms to shoot at illegal immigrants crossing the border.

46. It was a further part and object of the conspiracy that **PERRY** and **O'DELL**, and others known and unknown to the grand jury, would use and discharge firearms at, and murder, officers and employees of the United States, specifically officers and employees of the United States Border Patrol, who would attempt to stop the defendants from shooting at immigrants.

47. It was a further part and object of the conspiracy that **PERRY** and **O'DELL**, and others known and unknown to the grand jury, would acquire supplies, including firearms, ammunition, night vision goggles, and radios, including by acquiring such supplies from officers and employees of the United States Border Patrol murdered by the defendants and other co-conspirators, known and unknown to the grand jury.

Overt Acts

48. In furtherance of such agreement and conspiracy and to effect the objects thereof, one or more members of the conspiracy committed and caused to be committed overt acts as detailed in paragraphs 12 through 42, among others, including acts within the Western District of Missouri.

49. All in violation of Title 18, United States Code, Section 1117.

COUNT 2

(Conspiracy to Assault a Federal Officer and Employee)
18 U.S.C. §§ 371 and 111(a)(1)

50. The allegations contained in Paragraphs 1 through 42 of this Second Superseding Indictment are hereby re-alleged and incorporated by reference as if fully set forth therein.

51. Beginning on an unknown date, but at least as early as August 20, 2022, and continuing up to and including October 7, 2022, in Benton County, in the Western District of Missouri, and elsewhere, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, knowingly and intentionally conspired with each other, and others known and unknown to the grand jury, to forcibly assault, resist, oppose, impede, intimidate, or interfere with officers and employees of the United States, specifically officers and employees of the United States Border Patrol, while engaged in or on account of the performance of official duties.

52. It was a part of the conspiracy that **PERRY** and **O'DELL**, and others known and unknown to the grand jury, would travel to the United States – Mexico border in the state of Texas and use firearms to shoot at illegal immigrants crossing the border.

53. It was a further part and object of the conspiracy that **PERRY** and **O'DELL**, and others known and unknown to the grand jury, would use and discharge firearms at officers and

employees of the United States, specifically officers and employees of the United States Border Patrol, who would attempt to stop the defendants from shooting at immigrants.

54. It was a further part and object of the conspiracy that **PERRY** and **O'DELL**, and others known and unknown to the grand jury, would acquire supplies, including firearms, ammunition, night vision goggles, and radios, including by acquiring such supplies from officers and employees of the United States Border Patrol murdered or assaulted by the defendants.

Overt Acts

55. In furtherance of such agreement and conspiracy and to effect the objects thereof, one or more members of the conspiracy committed and caused to be committed overt acts as detailed in paragraphs 12 through 42, among others, including acts within the Western District of Missouri.

56. All in violation of Title 18, United States Code, Sections 371 and 111(a)(1).

COUNT 3 (Conspiracy to Injure Officer) **18 U.S.C. § 372**

57. The allegations contained in Paragraphs 1 through 42 of this Second Superseding Indictment are hereby re-alleged and incorporated by reference as if fully set forth therein.

58. Beginning on an unknown date, but at least as early as August 20, 2022, and continuing up to and including October 7, 2022, in Benton County, in the Western District of Missouri, and elsewhere, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, knowingly and intentionally conspired with each other, and others known and unknown to the grand jury, to injure officers and employees of the United States, specifically officers and

employees of the United States Border Patrol, on account of their lawful discharge of the duties of their office, or while engaged in the lawful discharge of their duties.

Manner and Means

59. The conspirators carried out the conspiracy through the following manner and means, among others:

- a. Prepared for travel to Texas and, specifically, an area within Texas near the United States – Mexico border to murder illegal immigrants, to go to war against the United States Government, specifically the United States Border Patrol, and to oppose by force Border Patrol agents who attempted to stop the defendants from murdering illegal immigrants.
- b. Recruited and attempted to recruit others to participate in the conspiracy.
- c. Brought and contributed firearms and related equipment to the defendants' staging area in Warsaw, Benton County, Missouri.
- d. Brought and contributed paramilitary gear and supplies – including tactical vests with plates and camouflaged combat uniforms – to the defendants' staging area in Warsaw, Benton County, Missouri.
- e. Attempted to acquire supplies, such as night vision goggles and radios, from other individuals.
- f. Planned for and advertised a recruitment event and meeting in Warsaw, Missouri, prior to leaving for the United States – Mexico border in the state of Texas.
- g. Used social media, text messaging, and other forms of communication to communicate with co-conspirators, potential recruits of their group, and others.

h. Used force against Special Agents of the Federal Bureau of Investigation at the defendants' staging area in Warsaw, Benton County, Missouri.

60. All in violation of Title 18, United States Code, Section 372.

COUNTS 4-10

(Attempted Murder of a Federal Officer and Employee)

18 U.S.C. §§ 1114(a)(3) and 2

61. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, attempted to kill multiple Special Agents of the Federal Bureau of Investigation, an agency of the United States Government, each an officer and employee of the United States, while each was engaged in and on account of the performance of his duties:

COUNT	VICTIM
4	J.R.
5	J.C.
6	R.G.
7	D.H.
8	C.H.
9	T.R.
10	T.M.

62. All in violation of Title 18, United States Code, Sections 1114(a)(3) and 2.

COUNTS 11-17

(Assault of a Federal Officer and Employee with a Deadly or Dangerous Weapon)

18 U.S.C. §§ 111(a)(1), (b) and 2

63. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, forcibly assaulted, resisted, opposed, impeded, intimidated, and interfered with the following Special Agents of the Federal Bureau of Investigation, an agency of the United States Government, with a deadly or dangerous weapon, while each was engaged in the performance of their official duties:

COUNT	VICTIM
11	J.R.
12	J.C.
13	R.G.
14	D.H.
15	C.H.
16	T.R.
17	T.M.

64. All in violation of Title 18, United States Code, Sections 111(a)(1), (b) and 2.

COUNT 18

(Assault of a Federal Officer and Employee That Inflicts Bodily Injury)

18 U.S.C. §§ 111(a)(1), (b) and 2

65. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, forcibly assaulted, resisted, opposed, impeded, intimidated, and interfered with J.R., a Special Agent of the Federal Bureau of Investigation, an agency of the United States Government, and inflicted bodily injury, while J.R. was engaged in the performance of his official duties, in violation of Title 18, United States Code, Sections 111(a)(1), (b) and 2.

COUNTS 19-20

(Assault of a Federal Officer and Employee That Involves Physical Contact)

18 U.S.C. §§ 111(a)(1) and 2

66. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, forcibly assaulted, resisted, opposed, impeded, intimidated, and interfered with the following Special Agents of the Federal Bureau of Investigation, and such acts involved physical contact, while each was engaged in the performance of their official duties:

COUNT	VICTIM
19	J.A.
20	R.G.

67. All in violation of Title 18, United States Code, Sections 111(a)(1) and 2.

COUNTS 21-34

(Use of Firearm in Furtherance of Crime of Violence)

18 U.S.C. §§ 924(c)(1)(A)(iii) and 2

68. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, knowingly carried, used, brandished, and discharged a firearm, that is, a Voodoo Innovations multi-caliber rifle with an Anderson Manufacturing, model AM-15, lower receiver, bearing serial number 21221464, during and in relation to the crime of violence, for which they may be prosecuted in a court of the United States, identified in each individual count:

COUNT	CRIME OF VIOLENCE
21	COUNT 4
22	COUNT 5
23	COUNT 6
24	COUNT 7
25	COUNT 8
26	COUNT 9
27	COUNT 10
28	COUNT 11
29	COUNT 12
30	COUNT 13
31	COUNT 14
32	COUNT 15
33	COUNT 16
34	COUNT 17

69. All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(iii) and 2.

COUNT 35

(Depredation of Government Property)

18 U.S.C. §§ 1361 and 2

70. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendants, **(01) BRYAN C. PERRY** and **(02) JONATHAN S. O'DELL**, willfully injured

and caused to be injured property of the United States and of any department or agency thereof, specifically, the Federal Bureau of Investigation, in that **PERRY** shot a firearm at a 2016 Lenco Bearcat, VIN 1FDAF5HT7GEA85510, thereby damaging the property in an amount exceeding \$1,000, all in violation of Title 18, United States Code, Sections 1361 and 2.

COUNTS 36-37
(Felon in Possession of a Firearm)
18 U.S.C. §§ 922(g)(1) and 924(a)(8)

71. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendant, **(01) BRYAN C. PERRY**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting commerce, the firearm identified in each individual count, each of which firearm had been transported in interstate commerce:

COUNT	FIREARM
36	Voodoo Innovations multi-caliber rifle with an Anderson Manufacturing, model AM-15, lower receiver, bearing serial number 21221464
37	Ruger, model Security-9, 9 mm caliber pistol, bearing an obliterated serial number

72. All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(8).

COUNT 38
(Possession of a Firearm with an Obliterated Serial Number)
26 U.S.C. § 5861(h)

73. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendant, **(01) BRYAN C. PERRY**, knowingly received and possessed a firearm, a Ruger, model Security-9, 9 mm caliber pistol, which had the serial number and other identification required by chapter 53 of Title 26 obliterated and removed, in violation of Title 26, United States Code, Sections 5842, 5861(h), and 5871.

COUNT 39
(Possession of Body Armor by Violent Felon)
18 U.S.C. §§ 931(a)(1) and 924(a)(7)

74. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendant, **(01) BRYAN C. PERRY**, possessed body armor, to wit: an Armored Republic Level III model with markers 3X12FR and A70-42, after having been convicted of a felony that is a crime of violence, in violation of Title 18, United States Code, Sections 931 and 924(a)(7).

COUNT 40
(Possession of Explosive)
18 U.S.C. §§ 842(i)(1) and 844(a)(1)

75. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendant, **(01) BRYAN C. PERRY**, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly received and possessed an explosive, specifically, a mixed material that contained a high explosive mixture of ammonium nitrate prills and aluminum powder, which had been shipped and transported in and affecting interstate commerce, in violation of Title 18, United States Code, Sections 842(i)(1) and 844(a)(1).

COUNT 41
(Communicating a Threat to Injure)
18 U.S.C. § 875(c)

76. On or about October 3, 2022, in Benton County, and elsewhere, in the Western District of Missouri, the defendant, **(01) BRYAN C. PERRY**, transmitted in interstate and foreign commerce a communication, through the use of a telephone, and the communication contained a threat to injure a person, knowing that the communication would be understood as a true threat, in violation of Title 18, United States Code, Section 875(c).

COUNT 42

(Possession of a Firearm While Subject to Court Order of Protection)

18 U.S.C. §§ 922(g)(8) and 924(a)(8)

77. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendant, **(02) JONATHAN S. O'DELL**, knowing he was subject to a court order issued by the 8th Judicial Circuit, Ray County, Missouri, on March 18, 2022, in case number 22RY-CV00106, that was issued after a hearing of which he received actual notice, and at which he had an opportunity to participate, restraining him from harassing, stalking, or threatening an intimate partner, that by its terms explicitly prohibited the use, attempted use, or threatened use of physical force against such intimate partner that would reasonably cause bodily injury and included a finding that the defendant represented a credible threat to the safety of such intimate partner, did knowingly possess in and affecting interstate commerce, a firearm, to wit: a Stevens, model 320, 12-gauge firearm, bearing serial number 142729C, said firearm having been shipped and transported in interstate commerce, in violation of Title 18, United States Code, Sections 922(g)(8) and 924(a)(8).

COUNT 43

(Communicating a Threat to Injure)

18 U.S.C. § 875(c)

78. On or about October 2, 2022, in Benton County, and elsewhere, in the Western District of Missouri, the defendant, **(02) JONATHAN S. O'DELL**, transmitted in interstate and foreign commerce a communication, through the use of a telephone, and the communication contained a threat to injure a person, knowing that the communication would be understood as a true threat, in violation of Title 18, United States Code, Section 875(c).

COUNT 44
(False Statement)
18 U.S.C. § 1001(a)(2)

79. On or about October 7, 2022, in Benton County, in the Western District of Missouri, the defendant, **(02) JONATHAN S. O'DELL**, in a matter within the jurisdiction of the executive branch of the Government of the United States, to wit: the Federal Bureau of Investigation, did knowingly and willfully make a materially false, fraudulent, and fictitious statement and representation, when the defendant represented and stated to a Special Agent of the Federal Bureau of Investigation that he did not possess a firearm he could carry on his person, when, in truth and fact, as the defendant then and there knew, such statement and representation was false and fraudulent when made, all in violation of Title 18, United States Code, Section 1001(a)(2).

FORFEITURE ALLEGATION

80. The allegations contained in Counts 1, 4-10, and 35 of this Second Superseding Indictment are re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c).

81. The violations of Title 18, United States Code, Sections 1117, 1114, and 1361 alleged in Counts 1, 4-10, and 35 of this Second Superseding Indictment are each a “federal crime of terrorism”, as specified in Title 18, United States Code, Section 981(a)(1)(G) and as defined in Title 18, United States Code, Section 2332b(g)(5), against the United States, citizens or residents of the United States, and their property.

82. Upon conviction of the offenses set forth in Counts 1, 4-10, and 35 of this Second Superseding Indictment, the defendants shall forfeit to the United States, pursuant to Title 18,

United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c), all right, title, and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a “federal crime of terrorism” against the United States. The assets to be forfeited pursuant to this paragraph include, but are not limited to:

- a. an Armored Republic Level III model body armor with markers 3X12FR and A70-42;
- b. a 9x19 mm (9 mm Luger) Polymer80 pistol, Model PF940V4, privately made firearm;
- c. a 7.62x39 mm rifle, with a Cerro Forge upper receiver, privately made firearm;
- d. a lower receiver with a telescopic stock and a complete trigger system; and
- e. various ammunition, including, but not limited to:
 - i. thirteen .223 Remington and 5.56x45 mm caliber cartridges, bearing the headstamp of Lake City and Aguila ammunition;
 - ii. twenty-nine 5.56x45 mm cartridges, bearing the headstamp of Aguila ammunition;
 - iii. thirty-four 9x19 mm cartridges, bearing the headstamp of Winchester ammunition;
 - iv. thirty-three 7.62x39 mm cartridges, bearing the headstamp of JSC Barnaul ammunition; and
 - v. seventeen 9x19 mm cartridges, bearing the headstamps of Browning and Winchester ammunition.

83. The allegations contained in Counts 21-34, 36-37, and 42 of this Second Superseding Indictment are re-alleged and incorporated by reference as though set forth fully herein for the purpose of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c). Upon conviction of the offenses set forth in Counts 1, 4-10, 21-37, and 42 of this Second Superseding Indictment, the defendants shall forfeit to the United States any firearms involved or used in the commission of the offenses, including, but not limited to:

- a. a Ruger, model Security-9, 9 mm caliber pistol, bearing an obliterated serial number;
- b. a Voodoo Innovations multi-caliber rifle with an Anderson Manufacturing, model AM-15, lower receiver, bearing serial number 21221464; and
- c. a Stevens, model 320, 12-gauge firearm, bearing serial number 142729C.

84. All pursuant to Title 18, United States Code, Sections 924(d) and 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).

A TRUE BILL,

/s/Donna Richardson
FOREPERSON OF THE GRAND JURY

/s/Casey Clark
Casey Clark
Assistant United States Attorney

/s/Ashley Turner
Ashley Turner
Assistant United States Attorney

DATED: 5/30/2023